IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5244/2001

DEVI SINGH Vs. THE DISTRICT COLLECTOR, SIKAR & ORS.

DATE: 29.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Virendra Singh Choudhary for the petitioner.

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Brief facts of the case are that the Gram Panchayat Motlawas, Tehsil Dataramgarh, District Sikar issued Patta No. 103 for the land measuring 22x30= 660 Sq. Ft. in favour of the petitioner on 08.11.81. Late Shri Fatehram Das Swami also applied for issuance of Patta of the land which was allegedly in his possession. Inspection was conducted by the Panchas of the Gram Panchayat on 20.03.82 and after hearing objections, on 16.01.83 vide resolution the Gram Panchayat issued 'Patta' for the land measuring 2632 Sq. Ft. in favour of late Shri Fatehram Das.

When the petitioner came to know that 'Patta' No. 104 has been issued to late Shri Fatehram Das including 8x30 Ft. of the land belonging to the petitioner which was allotted in favour of the petitioner vide 'Patta' No. 103 on 08.11.81, he

preferred a revision petition before the Additional Collector, Sikar challenging the 'Patta' of Shri Fatehram Das and the same was allowed vide order dated 14.11.94 and the matter was remanded back to the Gram Panchayat with the observation that arithmetical mistake in calculation of the land has been made, therefore, fresh measurement be conducted and after hearing both the parties, fresh 'Patta' may be issued.

The Gram Panchayat vide resolution dated 09.04.95 issued revised 'Patta' to the respondent Nos. 4 and 5 for the land measuring 100x94 Ft.

Aggrieved and dissatisfied with the resolution dated 09.04.95 passed by the Gram Panchayat, the petitioner again preferred a revision petition before the Additional Collector and again the Additional Collector vide order dated 01.06.96 while setting aside the resolution dated 09.04.95, remanded the matter back to the respondent No.2 i.e. Panchayat Samiti, Dataramgarh.

The petitioner also filed a revision petition before the Additional Collector, Sikar sagainst the 'Patta' issued in favour of the respondent Nos. 4 and 5 by the Gram Panchayat vide resolution dated 05.11.88 and the same was also allowed vide order dated 01.06.96 and the matter was remanded back to the Panchayat

Samiti Dataramgarh for fresh inquiry and fresh order.

The Gram Panchayat, Dataramgarh after affording opportunity of being heard to the parties, vide order dated 10.03.99 observed that the land allotted pursuant to 'Patta' No. 194 measuring 100 Ft. in the North and South and 94 Ft. in East and West side and it was observed that as alleged by the petitioner, no encroachment was made over the land for which 'Patta' has been issued in favour of the petitioner.

The order dated 10.03.99 passed by the Gram Panchayat, Dataramgarh was challenged by the petitioner by way of filing revision petition before the District Collector and the same was also dismissed vide judgment dated 18.10.2000.

Aggrieved and dissatisfied with the order dated 10.03.99 passed by the Gram Panchayat, Dataramgarh and the order dated 18.10.2000 passed by the District Collector, Sikar, the present writ petition has been preferred by the petitioner on the ground that the allotment made in favour of Shri Fatehram Das Swami and respondent Nos. 4 and 5 is without jurisdiction and allotment is made after committing serious error of jurisdiction and the Revisional Authority as well as the Collector, Sikar has committed serious illegality by over-looking that

the procedure adopted by the Gram Panchayat and the Panchayat Samiti is not in consonance with the provisions of the Act which have been enacted by the Legislation and no opportunity of hearing was afforded to the petitioner.

I have heard learned counsel for the petitioner and carefully gone through the orders impugned dated dated 10.03.99 passed by the Gram Panchayat, Dataramgarh and the order dated 18.10.2000 passed by the District Collector, Sikar.

No doubt this is third round of litigation and the matter was twice remanded back to the Gram Panchayat and after giving due opportunity of being heard to the parties, fresh measurement of the land has been made and the order has been passed, which was challenged by the petitioner before the Panchayat Samiti and the Panchayat Samiti has upheld the decision taken by the Gram Panchayat and the order passed by the Panchayat Samiti has been upheld by the District Collector, Sikar.

Thus, having gone through the order dated 10.03.99 passed by the Gram Panchayat, Dataramgarh and the order dated 18.10.2000 passed by the District Collector, Sikar, I find no illegality or error apparent on the face of the record and the petitioner

has not been able to make out any case, which requires any interference in the impugned orders passed by the Panchayat Samiti, Dataramgarh as well as District Collector, Sikar.

Consequently, the writ petition fails and the same is hereby dismissed.

The ex parte interim order dated 29.01.2002 granted by this Court stands rejected. The stay application also stands dismissed.

(K.S. RATHORE),J.

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